

Notice of Allowability

Application No.

09/249,011

Examiner

Phillip Gambel

Applicant(s)

CO ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/20/04, 5/25/04
2. ☒ The allowed claim(s) is/are 1-14, 15, 21, 23-25, 27, 28, 30-36, 38-40, 46, 64-78
3. ☒ The drawings filed on 8/2/02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Phillip Gambel
Primary Examiner 6/1/04
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TECH CENTER 1600

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DETAILED ACTION

1. Applicant's amendment, filed 2/20/04 has been entered.
Claims 24, 25, 28, 33, 40, 64, 66 and 75 have been amended.

Claims 13-14, 16-20, 22, 26, 29, 37 and 49-50 have been canceled previously

Claims 1-12, 15, 21, 23-25, 27, 28, 30-36, 38-40, 46 and 64-76 are being considered as the elected invention.

Claims 41-45, 47, 48, 51-63 have been withdrawn from consideration by the examiner 37 CFR 1.142(b), as being drawn to nonelected invention and/or species

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
3. Authorization for this Examiner's Amendment was given in a telephone interview with Stewart Mittler on May 25, 2004.
4. Amend claim 15, line 3, by replacing "10⁷ M-1" with : -- 10⁷ M⁻¹ -- .
5. Amend claim 24, lines 9-11, by deleting
", and
d) a nucleotide sequence which is a complement of the nucleotide sequences according to a) or b)."
6. Amend claim 24, line 6, by adding the following after "ID NO: 6," : -- and -- .
7. Amend claim 28, lines 9-11, by deleting
", and
d) a nucleotide sequence which is a complement of the nucleotide sequences according to a) or b)."
8. Amend claim 28, line 6, by adding the following after "ID NO: 6," : -- and -- .
9. Amend claim 30, line 2 by replacing "gene" with : -- nucleic acid --.
10. Amend claim 30, line 5, by replacing "10⁷ M-1" with : -- 10⁷ M⁻¹ -- .
11. Amend claim 33, line 2 by replacing "gene" with : -- nucleic acid --.
12. Amend claim 33, line 5, by replacing "10⁷ M-1" with : -- 10⁷ M⁻¹ -- .

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13. Amend claim 46, line 1, by replacing "antibody" with : -- immunoglobulin -- .

14. Cancel claims 41-45, 47, 48 and 51-63.

15. Add claims 77-78 as follows:

-- Claim 77. An isolated nucleic acid molecule encoding the full length complement of either: (a) SEQ ID NO: 7 or (b) a nucleotide sequence encoding the amino acid sequence of SEQ ID NO: 8. --

-- Claim 78. An isolated nucleic acid molecule encoding the full length complement of either: (a) SEQ ID NO: 5 or (b) a nucleotide sequence encoding the amino acid sequence of SEQ ID NO: 6. --

REASONS FOR ALLOWANCE

16. The following is an Examiner's Statement of Reasons for Allowance:

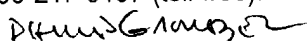
Upon reconsideration of applicant's arguments and amended claims, filed 2/20/04 as well as those set forth herein in the Examiner's Amendment, the previous rejections under 35 USC 112, first paragraph, have been withdrawn. As indicated previously, the claimed B7-2-specific humanized immunoglobulins and encoding nucleic acids appear free of the prior art. Accordingly, the pending claims are deemed allowable.

17. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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